

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT  
for the

Western District of Virginia

JUN 03 2008

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
for D'Ville  
JOHN F. CORCORAN, CLERK  
BY: J. Parker  
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United States of America

v.

Josey Antonio Wells

Date of Previous Judgment: January 8, 2002

(Use Date of Last Amended Judgment if Applicable)

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Case No: 4:01CR70027-013

USM No: 09213-084

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 174 months is reduced to 145 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 29

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 168 to 210 months

Amended Guideline Range: 140 to 175 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain):

**III. ADDITIONAL COMMENTS**

The Government has objected to a reduction based on aspects of Defendant's pre- and post-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range and that the post-sentencing conduct is adequately addressed by Bureau of Prisons procedures, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

Except as provided above, all provisions of the judgment dated 1/8/2002 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 3, 2008



Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Norman K. Moon, United States District Judge

Printed name and title